

REMARKS

Consideration of this application in view of the above amendments and following remarks is respectfully requested. This Amendment serves as the submission accompanying Applicants' Request for Continued Examination (RCE) filed pursuant to 37 C.F.R. §1.114. Claims 1-16, 19-22, 25-47, 50, 53-56, and 59-81 are now pending. Claims 1, 35 and 73 have been amended. Claims 82-84 have been canceled.

Status of the Claims

By Final Office Action dated October 16, 2008, all claims stood rejected as obvious in view of U.S. Patent No. 5, 162,430 ("Rhee") and U.S. Patent No. 5,505,952 ("Jiang"). A Response After Final Rejection was mailed on December 16, 2008, which sought to amend claims 1, 35 and 73 and cancel claims 82-84. By Advisory Action dated January 14, 2009, the Examiner indicated that these amendments would not be made of record.

By way of this Amendment, Applicants have again amended claims 1, 35 and 73 (but in a different manner) and have canceled claims 82-84. Accordingly, upon entry of this Amendment, claims 1-16, 19-22, 25-47, 50, 53-56, and 59-81 are pending.

Examiner Interview

As an initial matter, the undersigned wishes to thank the Examiner for the courtesy extended in the telephone interview of February 4, 2009. During the telephone interview, the undersigned proposed the amendments presented by way of this Amendment; namely, addition of the word "synthetic" in reference to the polypeptide. The Examiner indicated that this change would be received with favor.

In addition, the undersigned sought clarification with regard to the Examiner's remark in the Advisory Action that the deletion of the phrase "polypeptides" necessarily "requires components (a) and (b) to be the same." The Examiner indicated that this statement was incorrect since component (a) is a synthetic polypeptide or poly(alkylene oxide) having

m nucleophilic groups, while component (b) is a poly(alkylene oxide) having n electrophilic groups.

Claim Rejections – 35 U.S.C. § 103

As mentioned above, claims 1-16, 19-22, 25-47, 50, 53-56, and 59-84 stand rejected under 35 U.S.C. §103(a) as obvious over Rhee and Jiang. The basis of the Examiner's rejection is set forth in the Final Office Action at pages 3-4 and is not repeated herein for the purpose of brevity. Rather, Applicants will address Item 5 of the Office Action, in which the Examiner stated that "although polyethylene oxide or polyethylene glycol is synthetic, claims 1, 35 and 73 do not require that polypeptide to be synthetic." The Examiner considers that Rhee and Jiang in combination render these claims obvious because Jiang discloses that crosslinked polyamino acid promotes tissue repair and tissue growth.

Applicants have now amended claims 1, 35 and 73 to recite "synthetic polypeptide" (as opposed to "polypeptide"). Support for this amendment can be found, for example, in paragraphs [0066], [0067] and [0073] of the specification as originally filed (*see*, Pub. No. US 2004/0235708). These features are not obvious over Rhee and Jiang because Rhee and Jiang do not describe or suggest a synthetic crosslinking system involving two synthetic polymeric crosslinkable components. Rather, Rhee is directed to collagen (a natural polypeptide) and does not teach or suggest polyalkylene oxide having amino or thiol functional groups or synthetic polypeptides (*see*, lines 1-3 on page 4 of the Office Action). Further, Jiang is limited to crosslinking polyamino acid with small molecules (as opposed to polymers). Accordingly, Applicants submit that claims 1, 35 and 73 (and their respective dependent claims) are not obvious in view of Rhee and Jiang.

Lastly, and in view of the amendment to claims 1, 35 and 73, Applicants have canceled claims 82-84.

Conclusion

In view of the above amendments and remarks, allowance of claims 1-16, 19-22, 25-47, 50, 53-56, and 59-81 is respectfully requested. A good faith effort has been made to place

this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

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